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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/295,212 04/21/99 MELLARDO

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| EXAMINER |
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|-------------|--------------|
| MAYO III, W | |
| ART UNIT | PAPER NUMBER |

2831

DATE MAILED:

08/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/295,212

Applicant(s)

JOHN MELLARDO

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayh, III (Pat Num. 4,913,239) in view of Funk et al (Pat Num. 3,781,453). Bayh, III disclose an apparatus (i.e. cable arrestor, Figs 1-6) in combination with an energized-fluid conduit (Col. 1, lines 35-40) which houses a conduit (20-Fig 1) for transporting the energized fluid conduit (Col. 1, lines 35-40); a plurality of power conductors (88, 89, & 90-Fig 2C) confined within the conduit (20) and means (45-Fig 1) removable fixed to the conduit (20-Col 4, lines 1-4) for holding the power conductors (88, 89, & 90) in a spaced apart disposition across the conduit (20). With respect to claim 2, Bayh, III discloses that the means (45) comprises a means (i.e. platform-Fig 3A) for bridging across an intermediate portion of the conduit (20). With respect to claim 3, Bayh, III discloses that the bridging means comprises a platform (Fig 6) having conduit engaging supports (Fig 3A, 37, 38, i.e. brackets). With respect to claim 4, Bayh, III discloses that the bridging means comprises an aperture platform (Fig 6), threaded pipe couplers (bottom of Fig 2A), which are in fixed alignment with the apertures (where the power conductors are located) and brackets (37, 38) for removably fixing the platform (Fig 6) across the

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conduit (20, Col. 4, lines 1-4). With respect to claim 6, Bayh, III discloses that the power conductors (88, 89, & 90) terminate in a threaded pipe (Fig 3A) and the pipes are threaded engaged with pipe couplers (see Fig 3B). With respect to claim 7, Bayh, III discloses that there exist a means (128, 129, & 130) engaged with the power conductors (88, 89, & 90) for strain relieving the conductors (Col. 6, lines 52-57). With respect to claim 8, Bayh, III discloses that there exist a means (70, i.e. pump) in the form of control devices for energizing the fluid with the conduit (20) and wherein the cables (128, 129, & 130) are coupled to the control devices (Col. 4, lines 9-11). With respect to claim 9, Bayh, III discloses that the cable arrestor (Fig 1) further includes an axial pump (70) wherein the power conductors (88, 89, & 90) terminate in a threaded pipe fittings (Fig 3A) and the pump (70) has a thread pipe coupler (71) in which is threaded to receive a sheathing pipe fitting (see Fig 2F).

However, Bayh, III doesn't necessarily disclose that the means is removably fixed to the wall surface of the conduit (claim 1), nor the cable being jacketed with a sheath (claims 5-6 and 9).

Funk et al (Pat Num. 3,781,453) discloses an assembly (Figs 1-9) which may be used in a fluid conduit (Col. 1, lines 12-19) comprising a bridging means (14) having spaced apertures with modules (17) for separating the conductors (28) which is attached to the wall surface of a conduit (31(1), Col. 2, lines 18-35) for the purpose of maintaining the pressure and vapor sealing integrity of the conduit (Col. 1, lines 20-23).

With respect to claim 1, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the bridging means of

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Bayh, III to comprise the bridging means as taught by Funk because Funk teaches that such a configuration provides a insulated wire having both pressure and vapor sealing integrity properties (Col. 1, lines 20-23).

With respect to claims 5-6 and 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cable of modified Bayh, III to be made with an outer protective sheath, since it is well known in the art of underwater cables that outer sheaths are utilized for protecting the inner conductors of the from external forces and corrosion.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is Mioduszewski et al (Pat Num. 4,727,936), which also discloses a platform for separating electrical conductors.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Communication

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30 a. m. -6:00 p.m. (alternating Friday's off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

 7/27/01
Dean A. Reichard
Primary Examiner